



Staff Report

City of Pomona Zoning Administrator

HEARING DATE: July 02, 2025

FILE NO: DPR-018805-20558

A request for a Development Plan Review to develop a three-story, nine (9) unit housing development project on an interior lot (0.20 acres) located within the Neighbor Edge District 2 of the Pomona Zoning and Development Code.

ADDRESS: 2185 N. Towne Avenue

APPLICANT: Tony Chotibhongs

PROJECT PLANNER: Carlos Molina, Associate Planner

ENVIRONMENTAL REVIEW: This project is exempt for the California Environmental Quality Act (CEQA) pursuant to Section Class 32, Section 15332 (In-Fill Development) of the California CEQA Guidelines.

RECOMMENDATION: Approve File No(s). DPR-018805-2022 and adopt ZA Resolution No. 25-005.

Project Information:

GENERAL PLAN DISTRICT: Neighborhood Edge

ZONING DISTRICT: Neighborhood Edge District 2

TRANSECT: T4-B

SPECIFIC PLAN DISTRICT: N/A

GENERAL PLAN DENSITY: 30 DU/AC

NEW HOUSING UNITS: 9

DENSITY BONUS: Yes

HOUSING UNITS LOSS: None

CONCNESSIONS: No

AFFORDABLE UNITS: 1

WAIVERS: No

Moderate: None

SB 330 PRE-APPLICATION No

Low: 1

Very-Low: None

Important Dates:

DATE SUBMITTED: June 30, 2022
DATE DETERMINED COMPLETE: May 5, 2025

Project Request:

The applicant is proposing to develop a vacant 0.20-acre property with one, three-story structure consisting of nine (9) residential apartment units, ground floor and rooftop outdoor amenity spaces, and eight (8) parking spaces accessible solely by the alley to the rear of the property.

Project Background:

The project was first submitted for review in June of 2022. At the time of submittal, the site was zoned "C-2" Neighborhood Shopping Center which did not permit for new residential uses. To allow the proposed project, the applicant utilized CA SB 330 provisions to tap into permitted density designated to the site in the 2014 General Plan Update. Based on SB 330 provisions, the project's desired density would need to be reviewed against development standards in the existing zoning code tailored to meet the requested density (40 units/acre); in this case, the "R-4" High Density Multiple Family Zone were the applicable standards used as it permitted a density range from 30-70 units. Compliance issues were plentiful early in the design as the development standards were designed to accommodate the density on sites with a minimum size of 40,000 square feet. The initial design was unable to meet standards such as private and common open space designations, site design requirements, setbacks, and parking requirements.

During the review period, the Planning Division had been working on completing its comprehensive zoning code update which would bring the zoning code in compliance with the goals and policies of the 2014 General Plan. Based on the site's features, staff had determined that the proposed development would be a candidate to test the site's revised development standards afforded to the site's current zoning district, NED2.

By utilizing the updated Zoning and Development Code, the project was able to more easily meet its requested density proposal was also sufficiently satisfying development standards and the General Plan goals and policies for Neighborhood Edges which call for pedestrian-oriented developments with improved compatibility with the right-of-way. As proposed, the residential development is consistent with the use and scale development pattern located along Towne Avenue between Bangor St. and E. La Verne Avenue and further reinforces the Neighborhood Edge place type designation goals for the property.

Community Input and Noticing:

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on June 20, 2025, and was sent to all property owners and occupants of properties within a 400-foot radius of the subject site on June 18, 2025 (Attachment 4). As of the date of this report, Staff has not received any public comment.

Project Review:

The proposed residential development underwent several design iterations, amassing a total of approximately 13 site plan revisions to adequately satisfy the site's development standards.

The initial design proposal took vehicular access from Towne Avenue; approximately half of the width and depth of the lot was allocated for vehicular access into private ground floor garages for each unit. Front door entrances for each unit were located adjacent to garage entrances with no dedicated pedestrian walkways, requiring all pedestrians to navigate through vehicular paths of travel to access the units. Along with no direct, pedestrian-only pathways into the development, the building façade facing Towne Avenue consisted of a blank, three-story façade wall with an additional seven-foot wall along the front property line. Given the amount of space dedicated for vehicular access subsequently also limited the development from providing required the common open space amenities.

The final site design (Attachment No. 2) has been modified to comply with the Neighborhood Edge District 2 development standards that are tailored to produce medium scaled development with an active street presence. The site design includes one, 3-story structure with a total area of 4,850 SF. The building includes nine (9) residential units (three per floor), designated outdoor amenity spaces located on the ground floor and rooftop, lobbies located on each floor, and covered parking to the rear of the building. The remaining property area consists of required landscaping, three pedestrian walkways that connect the frontage to the rear of the building where eight (8) tandem parking spaces and a shared trash enclosure are located. Below is a discussion of the site's compliance with its applicable standards.

FORM:

To accommodate the project's desired density, much of the development's compliance with form standards fall near or at the maximum allowed compliance range for standards such as impervious and building coverage, setbacks, and building height. Difficulty with these standards did complicate the site's ability to meet required outdoor amenity provisions which prompted the project's use of an interior courtyard that is clear from ground to sky and additional rooftop outdoor amenity space. Despite these challenges, all Form standards were able to be met without the need for standard relief.

FRONTAGE:

The proposed Frontage design is markedly improved from its original proposal and is compliant with all Frontage standards. The original frontage composed of a blank, 33-feet tall concrete wall with no windows and pedestrian or vehicular entrances facing Towne Ave, an additional seven-foot wall adjacent to the building along the front property line, and a drive-aisle with access from Towne Avenue which subsequently occupied approximately half of the site's width and depth.

The proposed frontage design eliminates vehicular access from Towne Avenue thereby allowing the building to meet its build-to requirements and the frontage prohibition on parking access from the primary lot line. With the building's modern design, compliance with the remaining frontage requirements (transparency, entrance, and landscape) followed suit. However, a recurring challenge was compliance with the active depth requirement. The lack of compliance was remedied through a series of modifications to the building's floor plan layout which included the reduction and relocation of closets away from the building frontage wall. The final floor plan prioritizes the use of bedroom and private decks along the building frontage.

SITE:

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The final site design has been modified to comply with the Neighborhood Edge District 2 development standards that are tailored to produce medium scaled development with an active street presence. The site design includes one, three (3) story structure with a total area of 4,850 square feet. The building includes nine (9) residential units (three per floor), designated outdoor amenity spaces located on the ground floor and rooftop, lobbies located on each floor, and covered parking to the rear of the building. The remaining property area consists of required landscaping, three pedestrian walkways that connect the frontage to the rear of the building where eight tandem parking spaces and a shared trash enclosure are located. Below is a discussion of the site's compliance with its applicable standards.

The final site design is compliant with all applicable Site Rules which include Sections 610. Parking and Access, Section 620. Landscaping and Screening, and Section 640. Environmental Protection. Similarly with Form and Frontage standards, compliance with applicable Site Rules was a challenge stemming from the proposed density on a relatively small parcel.

Parking and Access

Initial challenges regarding parking and access spurred from the proposed parking type, which shifted between private 1-car garages, an underground parking garage, and the currently proposed podium-style parking spaces located at the rear of the site which takes access from the alley. The project exceeds the required number of spaces by providing eight (8) spaces instead of the required six (6) spaces. Pedestrian access into the building is provided through one primary and two secondary walkways connecting the Towne Avenue right-of-way to the rear of the property. The primary walkway measures 15 feet wide leading to the covered entry of the building; the secondary walkways measure 3 feet wide and are located along the side property lines. Both secondary walkways include a gated entry located at the frontage building wall leading to the parking lot, the secondary pedestrian entry into the building located to the rear of the building, and the alley located to the rear of the property.

Landscaping and Screening

Compliance with landscaping and screening standards was initially challenged by the site's inability to meet the 20% total landscaping requirement stemming from the city's Water-Efficiency Landscape Ordinance (Ordinance No. 4232). Compliance with the required landscape percentage is being satisfied through landscaping provided by the required frontage landscaping, perimeter landscaping adjacent to side property lines, and required landscaping for outdoor amenity spaces (both ground and roof top amenities. Further compliance with planting standards listed in Section 620.F of the PZDC will be reviewed for full compliance during the project's required Landscape Plan Check.

Environmental Protection

The proposed project has been found to be compliant with the applicable development standards listed in Section 640 Environmental Protection. Pursuant to the outdoor lighting standards, all lighting provisions on the site will provide sufficient visibility throughout the site without impacting visibility and privacy of the surrounding properties and the adjacent rights-of-way. Pursuant to the recycling and solid waste disposal requirements, the proposed trash enclosure is compliant with enclosure dimension, location, and signage requirements.

STATE HOUSING REQUIREMENTS/RESTRICTIONS:

On October 9, 2019, Governor Newsom signed into law the Housing Crisis Act of 2019 also known as Senate Bill 330 ("SB 330"). SB 330 creates new state laws regarding the production, preservation and planning for housing. It amends the State Housing Accountability Act, Permit Streamlining Act and Planning and Zoning Law all under Title 7 of the California Government Code. The bill (and subsequent amendments) establish a statewide housing emergency for ten (10) years from January 1, 2020 to January 1, 2030.

SB 330 aims to increase certainty in the development process, speeding the review of new Housing Development Projects, preserving existing affordable housing and preventing certain zoning actions that reduce the availability of housing. Specifically, SB 330 does the following:

1. Vesting. Creates a new vesting process for fees, zoning and land use ordinances, policies, and standards in place at the time that a preliminary application is submitted, with limitations;
2. Historic Properties. Requires that the historic status or designation of any site be determined at the time an application for a discretionary action is deemed complete;
3. Design Standards. Prohibits imposing or enforcing non-objective design review standards established after January 1, 2020;
4. Time Limits. Shortens required permit review timeframes and limits the number of public hearings for housing projects that meet all applicable objective zoning standards;
5. Downzoning Restrictions. Prohibits legislative actions that reduce total zoned capacity for housing (i.e. "downzoning") in the City and clarifies the circumstances under which Housing Development Projects may have their density reduced under the Housing Accountability Act;
6. Housing Loss. Prohibits approval of a Housing Development Project that results in a net loss of housing units; and
7. Protected Units and Tenant Protections. Creates new housing replacements, eviction protections, relocation assistance, and right-of-return requirements.
8. Rezoning Prohibition. Local agencies are prohibited from requiring an applicant to rezone a site if the housing development project is consistent with objective general plan standards and criteria.

Rezoning Prohibition

As noted above, Government Code Section 65589.5(j)(4) states, *"a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan."* In this case, the project site is zoned Administrative Professional (A-P) which does not permit the development of residential uses beyond 15 dwelling units per acre, however, the project site is designated as General Plan Place Type or Urban Neighborhood and Activity Center, which contemplate residential uses, as well as Transect Zones T4-A and T5, which allow residential densities of up to 70 dwelling units per acre and 80 dwelling units per acre, respectively. The project is proposing residential density at a rate of 23

dwelling units per acre. Therefore, a change of zone is not required because the proposed project demonstrates consistency with the project site's General Plan Place Type and Transect Zone designations.

Limitations on Applying Objective Development Standards

Government Code Section 65589.5(j)(4) states, *"If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project."* According to State regulations, the City may only apply applicable development standards to the extent that they accommodate the allowed density for the subject site. If the application of an objective development standard would not accommodate the allowed density for the subject site, the City would be limited from applying that standard.

Disapproving Housing Development Projects

In addition, SB 330 establishes specific written findings that must be made in order to disapprove a housing development project. A local agency shall not disapprove a housing development project ... unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

1. The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.
2. The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
3. The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
4. The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or

resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

INCLUSIONARY HOUSING REGULATIONS:

The proposed project is subject to the City of Pomona Inclusionary Housing Program (IHP). The IHP requires that all proposed residential developments of three (3) or more units contribute to the City's affordable housing stock. Rental Dwelling Units may meet the inclusionary housing requirements by providing inclusionary units or through payment of an in-lieu fee. The on-site inclusionary housing production requirement is set at 13% of the dwelling units that are included in a rental residential development. The inclusionary units are required to be rented to moderate-income households at the affordable rent. However, an applicant may choose to designate the inclusionary units at lower income categories. The payment of the in-lieu is reserved for for-sale units or for residential developments of less than 30 units; furthermore, the payment of an in-lieu fee would dismiss the project's eligibility for relief under CA Density Bonus law.

To satisfy the city's IHP, the project will be opting to designate the on-site inclusionary units at the Low-Income category, which will allow the project to satisfy both Density Bonus and IHP requirements.

DENSITY BONUS REGULATIONS:

The applicant will be utilizing Sections 65915-65918 of the California Government Code, otherwise known as the "CA Density Bonus" law that grants benefits to residential developments that propose a percentage of units as affordable. Potential benefits include an increase in permitted density, reduction in site development standards, special parking requirements, etc.

The site's Transect Zone, T4-B, grants the property a maximum density of 30 dwelling units per acre. Based on the site's area (0.20 acres), the site is afforded a maximum number of seven (7) residential units. For the purpose of achieving the proposed unit count of nine, the project will be designating 13% of the proposed units to be rented out at the Low-Income rental rate, which will grant the project a density bonus of 24.50%. The increased density equates to an additional two (2) units which will allow the applicant to achieve the nine (9) apartment units they are proposing. Of the nine (9) units, one (1) unit will be required to be set aside at the Low-Income affordability rate.

Per CA Density Bonus law, the project is eligible for one (1) concession and unlimited waivers. As proposed, no concessions or waivers are being requested by the applicant.

CONCESSIONS REQUESTED:

None.

WAIVERS REQUESTED:

None.

SB 330 PRE-APPLICATION:

None.

LAND DEVELOPMENT ISSUES:

None.

TRANSPORTATION ISSUES:

None.

SOLID WASTE ISSUES:

None.

BUILDING AND SAFETY ISSUES:

None.

WATER RESOURCE ISSUES:

None.

FIRE ISSUES:

None.

POLICE ISSUES:

None.

Required Findings:

The findings required in Section 1160.G of the Pomona Zoning and Development Code for a Development Plan Review are contained in the attached resolution (Attachment 1).

Conclusion:

Based on Staff's analysis of the project and the recommended conditions of approval, the proposed development will be compatible with adjacent land uses and will not result in any negative impacts on the surrounding neighborhoods. Further, the project has been designed in a manner that is consistent with the applicable zoning district and will provide additional rental housing options.

Environmental Review:

Staff has determined that this project is eligible for exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the California CEQA Guidelines. The proposed project meets the criteria for a Class-32 (In-Fill Development) Categorical Exemption in that the proposed project site is less than five (5) acres; the project site has no value as habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment; and the site can adequately be served by all required utilities and public services. Staff recommends that the Zoning Administrator determine the project to be exempt.

Conditions of Approval:

The Conditions of Approval are contained in the attached resolution (Attachment 1).

Attachments:

1. Draft Zoning Administrator Hearing Resolution No. 25-005
2. Project Plans
3. Photographs
4. Proof of Noticing